

Remarks

Claims 1-8, 12-17, and 56-57 were pending. Applicants have canceled claims 8-9 without prejudice to applicants right to pursue the cancelled subject matter in a divisional application. Claims 69-78 have been added, which are based on previously-canceled claims 58 and 60-68 respectively. Applicants respectfully request entry of this amendment such that claims 1-8, 12-17, 56-57 and 69-78 will be pending.

Restriction

The Examiner required election of one of the following alleged groups:

- Group I: Claims 1, 3, 5, 12, 14, 16, 18-40 (in part), 41, 43-48 (in part), 49-52, 53 (in part), 55 (in part) allegedly drawn to methods of administering an OP/BMP morphogen (or inducer or agonist thereof) and an angiotensin-converting enzyme inhibitor (ACEI), classified in part in class 514, subclass 2.
- Group II: Claims 2, 4, 6, 13, 15, 17, 18-40 (in part), 42, 43-48 (in part), 54 (in part) are allegedly drawn to methods of administering an OP/BMP morphogen (or inducer or agonist thereof) and an angiotensin II receptor antagonist, classified in part in class 514, subclass 2.
- Group III: Claims 7, 9-11 (in part), 18-32 (in part), 46-47 (in part), 53-55 (in part) are allegedly drawn to methods stem cell therapy comprising introducing renal mesenchymal stem cells pre-treated with an ACEI and an OP/BMP morphogen (or inducer or agonist thereof), classified in class 424, subclass 93.1
- Group IV: Claims 8, 9-11 (in part), 18-32 (in part), 46-47 (in part), 53-55 (in part) are allegedly drawn to methods stem cell therapy comprising introducing renal mesenchymal stem cells pre-treated with an AIIRA and an OP/BMP morphogen (or inducer or agonist thereof), classified in class 424, subclass 93.1
- Group V: Claims 56, 58, 60-65 (in part), 66, 68 (in part), are allegedly drawn to pharmaceutical compositions comprising an ACE inhibitor and an OP/BMP morphogen, classified in class 514, subclass 2.

Group VI: Claims 57, 59, 60-65 (in part), 66, 68 (in part), are allegedly drawn to pharmaceutical compositions comprising an AIIRA and an OP/BMP morphogen, classified in class 514, subclass 2.

As a preliminary matter, applicants note that a preliminary amendment was filed on August 18, 2003 canceling claims 9-11, 18-55 and 58-68 without prejudice to applicants right to present these claims in a later filed amendment. The grouping of claims in the restriction requirement is incorrectly based in the originally-filed claims rather than on the pending claims.

In response to this restriction requirement, applicants hereby elect, with traverse, Examiner's Group V. Claims 56 and 69-78 read on Examiner's Group V. Applicants traverse because there will not be any undue burden on the examiner to search the claims in group VI since both alleged inventions are classified under class 514, subclass 2. Furthermore, because Group I is related to elected Group V as a process claims to product claims, extending the search to Group I claims would not pose an undue burden on the Examiner. Applicants respectfully request that the present restriction requirement be withdrawn. Nonetheless, should the restriction requirement be maintained, the restriction requirement states on page six that if the product claims are found to be allowable, the search will be extended to the process claims, so long as the process claims recite all the limitations of the product claims.

In response to the request for election of a species, applicants hereby elect SEQ ID NO:3 for search purposes only. Applicants note that SEQ ID NO:3 recites a fragment of the sequence set forth in SEQ ID NO:1. SEQ ID NO:1 represents the full-length amino acid sequence of human OP-1, whereas SEQ ID NO:3 represents the mature form (see for example page 32, lines 1-4 of the specification). All claims in the elected group read on the elected species, i.e. claims 56 and 69-78.

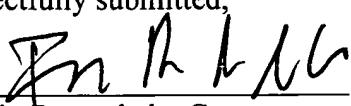
Application No. 10/650326
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Docket No.: JJJ-P01-599

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. JJJ-P01-599 from which the undersigned is authorized to draw.

Dated: June 29, 2006

Respectfully submitted,

By 
Ignacio Perez de la Cruz
Registration No.: 55,535
FISH & NEAVE IP GROUP, ROPES & GRAY
LLP
One International Place
Boston, Massachusetts 02110-2624
(617) 951-7000
(617) 951-7050 (Fax)
Attorneys/Agents For Applicant